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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,752	01/30/2002	Sanjeev Mahajan	42430-10552	6976

7590 01/12/2006

Patent Docket Clerk  
Jenner & Block, LLC  
One IBM Plaza  
Chicago, IL 60611

EXAMINER

SOL, ANTHONY M

ART UNIT PAPER NUMBER

2662

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/060,752	Applicant(s) MAHAJAN, SANJEEV	
	Examiner Anthony Sol	Art Unit 2662	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-17 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,466,550 B1 ("Foster") in view of U.S. Patent No. 5,838,665 B1 ("Kahn").

Regarding claim 1,

Foster shows in Fig. 9 a multiple speech-packet processing paths 182 (first packet data stream) and 184 (second packet data stream). Foster further shows a speech decoder 190 (digital-to-analog converter) to perform digital to analog conversion of the packet streams (col. 10, lines 16-21; claim 1 - a digital-to-analog converter, for receiving a first packet data stream and a second packet data stream and converting the first packet data stream and the second packet data stream into a first analog representation and a second analog representation).

Foster still further shows a mixer 192 coupled to the speech decoder 190 (digital-to-analog converter) that mixes decoded speech samples (col. 10, lines 37-40; claim 1 - mixing the first analog representation and the second analog representation).

Foster discloses that the mixer 192 may perform more complicated functions but he does not expressly disclose that the complicated functions include a call waiting capability (a non-mixed output)(col. 10, lines 41-42).

Kahn shows in Fig. 3, a circuit 72 that can be provided to allow for User 2 to place a phone call on "hold" (call waiting; non-mixed output)(col. 4, lines 56-57).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time of the invention was made to modify the modify the mixer of Foster to add a "hold circuit" of Kahn so that a call can be placed on hold, while User 2 can continue the conversation with other users (Kahn, col. 4, lines 57-60). One skilled in the art would have been motivated to combine Foster with Kahn (collectively "Foster-Kahn") to generate the claimed invention with a reasonable expectation of success.

3. Regarding claims 2 and 3,

Foster-Kahn discloses a system that covers all the limitations of the parent claim.

Foster-Kahn discloses a speech-packet (call session; voice) processing path 182 (first packet data stream) and 184 (second packet data stream) of Fig. 9 (Foster, col. 10, lines 38-39; claim 2 - each of the first packet data stream and second packet data stream identifies a call session; claim 3 - the first packet data stream and the second packet data stream comprise at least one of voice and data).

4. Regarding claims 4 and 5,

Foster-Kahn discloses a system that covers all the limitations of the parent claim.

Foster-Kahn discloses that transceiver 112 of Fig. 5 may be implemented on a desktop computer and includes an audio interface (user interface; voice recognition system) for a speaker (Foster, col.5, lines 42-45; claim 4 - a user interface; claim 5 - the user interface has an input device selected from the group consisting of: keyboards, keypads, touch screens, graphic user interfaces, track-ball systems, voice recognition systems, hand writing recognition systems, and combinations thereof).

5. Regarding claim 6,

Foster-Kahn discloses a system that covers all the limitations of the parent claim.

Foster-Kahn discloses a transceiver 112 (control module) of Fig. 5 that performs conference set functions and conference data packet functions (selective mixer) and includes an audio interface (user interface)(Foster, col. 5, lines 39-44; claim 6 - a control module coupled to the selective mixer and the user interface).

6. Regarding claims 7 and 9,

Foster-Kahn discloses a system that covers all the limitations of the parent claim.

Foster-Kahn discloses that circuit 72 of Fig. 3 allows for User 2 to place a call on "hold" (Kahn, col. 4, lines 56-57; claim 7 - the selective mixer output is determined as a

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function of user action; claim 9 - the selective mixer provides a non-mixed output in response to a call-waiting election by a user).

7. Regarding claim 8,

Foster-Kahn discloses a system that covers all the limitations of the parent claim.

Foster-Kahn discloses that all conferencing functions are placed near the endpoints of the conferencing system and endpoint transceivers each decide who will talk and who will be heard (Foster, col. 4, lines 61-65; claim 8 - the selective mixer provides a mixed output in response to a conference call election by a user).

#### ***Allowable Subject Matter***

8. Claims 10-17 are allowed.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Sol whose telephone number is (571) 272-5949. The examiner can normally be reached on M-F 7:30am - 4pm.

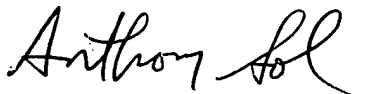
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**CHAU NGUYEN**  
**SUPERVISORY PATENT EXAMINER**  
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**Anthony Sol**  
**Examiner**  
**Art Unit 2662**

1/5/2006